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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,181	01/12/2000	Daniel Esbensen	TOUC.022us2	6651

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LAW OFFICE OF JONATHAN  
P O BOX 458  
ALAMEDA, CA 94501

EXAMINER

AN, SHAWN S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/482,181**

Applicant(s)  
**Daniel Esbensen**

Examiner  
**Shawn An**

Art Unit  
**2613**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 28, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-26 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 13 6) ☐ Other:

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## **DETAILED ACTION**

### ***Request for Continued Examination***

1. The request filed on 1/28/03 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/482,181 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Response to Amendment***

2. As per Applicant's instructions in Paper 15 as filed on 1/28/03, claims 1, 9, and 16 have been amended and claims 21-26 have been newly added.

### ***Response to Remarks***

3. Applicant's amendment filed on 7/8/02 have been fully considered but they are not persuasive. The Applicant presents an argument of which Vaio's reference does not teach "transmitting the sequence to an image server" as is claimed in the independent claims.

In response, Vaio discloses that "Security surveillance area comprises a local computer system, such as a workstation or server coupled to a network interface and to a video camera" (col. 3, lines 23-27). Therefore, recited claim limitation "transmitting the sequence to an image server" has been met as discussed above.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-6, 9-10, and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaio (6,271,752 B1) in view of Garland et al (6,144,772).

Vaio discloses a method for viewing image data from one or more cameras, comprising: capturing a plurality of still frames (Fig. 4, 306); transmitting the sequence to a camera coordinator (12); determining, whether an incident is associated with one or more frames in the sequence (Fig. 4, 304); transmitting the sequence to an image server, and not local to one or more locations of clients for viewing (Fig. 1; col. 3, lines 24-26); storing the sequence to an image server (308); and providing the sequence to one or more clients for viewing by a user (Fig. 1, element 8; col. 3, lines 17-23) as specified in claims 1, 16, and 17.

Even though Vaio's image server is within local computer system, since the images are distributed from the image server via a network interface (14) to a remote end user, it would have been obvious to simply change a location of the image server to the same location as over network just not in a local area.

Vaio does not specifically disclose generating a sequence of digital image data sets comprising a full frame and a plurality of differential frames, wherein a pixel in the differential frame that is within a threshold of a corresponding pixel in a preceding frame is set to transparent, and computing a difference indicating a degree of change from a preceding frame. However, Garland et al discloses the well known compression encoding of digitized image data sets (Fig. 6) comprising a full frame (616) and computing one or more subsequent differential frame (618), wherein a pixel in the differential frame that is within a threshold of a corresponding pixel in a preceding frame is set to transparent (Fig. 8, 818) as also specified in claims 4 and 10. Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Vaio to incorporate the well known concept comprising a full frame and computing one or more subsequent differential frames, wherein a pixel in the differential frame that is within a threshold of a corresponding pixel in a preceding frame is set to transparent

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as taught by Garland et al, so as to simply compute a percentage difference indicating a degree of change from a preceding frame as also specified in claims 9 and 18, in order to set the threshold in which a percentage change above the threshold as having the incident or a percentage change below the threshold as having no incident (motion), and for obtaining a lower bit requirements in an encoding process, thus a high compression for differential frames can be obtained.

Moreover, the Applicant's last attempt to argue Garland's reference as being directed to still images is totally invalid, in view of the Applicant's disclosure (page 14, lines 8-9, "...a still image compression routine").

Regarding claims 2, 14, 19, and 20, it is considered an obviously inherent features for an image server to store images in a format designed for still image display, such as well known client browser, and/or designed for a storage of sequences for which incidents were detected for later transmission as specified.

Regarding claims 3 and 5-6, Garland discloses allowing for a pixel to be encoded/compressed as a transparent pixel (822). Therefore, it is considered an inherently obvious feature for an image server to store images in a format designed for still image display, such as well known client browser, so that a client views all using a well known image encoding format for still image (JPEG) display.

Regarding claim 12, Vaio discloses Internet browsing (6 and 16) as specified.

Regarding claim 13, Vaio discloses storing the sequence at the camera coordinator (308) as specified.

Regarding claim 15, Vaio discloses the image server including a network interface (14) allowing for multiple simultaneous client connections.

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6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaio as applied to claim 2 above, respectively, and further in view of Cronin III et al (6,182,127 B1).

Vaio does not specifically disclose the well known PNG and GIF still image format. However, Cronin discloses common PNG and GIF still image format (Col. 4, lines 5-26) as specified in claims 7 and 8. Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Vaio to incorporate the well known PNG and GIF still image format as taught by Cronin et al for flexibility in displaying the formatted view as in PNG or GIF.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Acosta et al (6,166,729).

Acosta et al discloses a method for viewing image data from one or more cameras, comprising:

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capturing image data at a plurality of cameras (Fig. 1, 12) having digital information processing device (Fig. 2, 26) able to store digital data representing images; generating digital image data sets (28) that can be transmitted over a digital communication channel (30); transmitting the sequence over a communication network (14) to an image server (18) local to client viewing locations, wherein a function of the server is image delivery to client software (PC via Internet) for presentation to an observer, and wherein the server delivers image data for displaying a real time (col. 2, lines 45-49) representation of an image seen by the camera (Fig. 1); storing the sequence at the image server (18); in response to a request from a remote clients, transmitting image sequence data over a second network (20) to one or more clients for viewing, and wherein the image server allows a plurality of users to view images simple image coding (col. 8, lines 21-24) as specified.

Regarding claim 22, Acosta et al discloses JPEG format (col. 8, line 23) as specified.

Regarding claims 23-24, PNG or GIF, one of standard still image formats for still image display are inherently well known in the art (see Cronin III et al above).

Regarding claim 25, Acosta et al discloses off-the-shelf Internet browser software (col. 4, lines 39-41) as specified.

Regarding claim 26, an image server including a network interface is an inherent feature necessary for distributing images over a digital communication network (see Vaio above). Furthermore, it is a designer's inherent choice to consider a network interface's bandwidth capacity depending on the application and the usage.

### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number is (703) 305-0099.

SSA

**SHAWN S. AN**  
**PATENT EXAMINER**

March 27, 2003